

**SWARTZ CAMPBELL, L.L.C.**

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Attorney for Defendant,

Nationwide Life Insurance Company,  
improperly identified as "The Best  
Of America"

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY

DIANA PENG, AS EXECUTOR OF THE  
ESTATE OF ALFRED T. PENG and  
DIANA PENG,

Plaintiff(s)

v.

Civil Action

No. 05-CV-3939 (JAG)

DAVID L. GABAY

PINNACLE PLANNING GROUP

JOHN DOES # 1-10, GENERAL AGENTS

JOHN DOES #11-20, BROKER DEALERS

KEYPORT LIFE INSURANCE /

SUN LIFE INSURANCE

LINCOLN FINANCIAL GROUP

MAINSTAY FUNDS

NEW YORK LIFE TRUST

MUTUAL SERVICE CORPORATION

ROYAL ALLIANCE ASSOCIATES, INC.

THE BEST OF AMERICA

FIRST SUN AMERICA LIFE INSURANCE

COMPANY

PERSHING, BANK OF NEW YORK

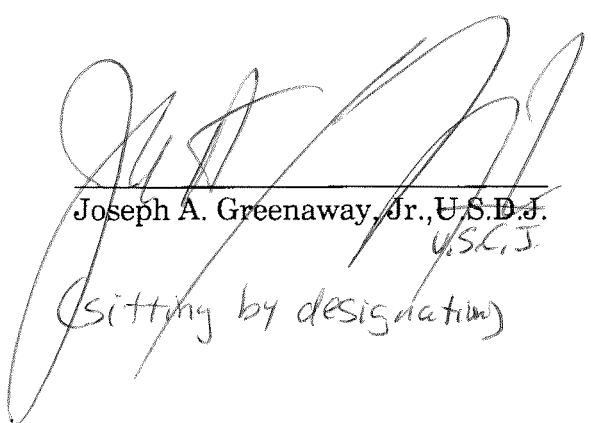
(clearing house)

Defendant(s)

ORDER OF FINAL JUDGMENT

AND NOW, upon consideration of the motion of defendant, Nationwide Life Insurance Company, improperly identified as "The Best of America," for an order of entry of final judgment pursuant to Federal Rule of Civil Procedure 58, from the April 19, 2006, order dismissing

plaintiffs' complaint against defendant, Nationwide Life Insurance Company, on those grounds set forth therein and, all opposition thereto, it is on this 3<sup>rd</sup> day of March 2010, ~~September, 2009,~~ ORDERED that this motion is GRANTED and final judgment as to the dismissal, with prejudice, of all claims asserted by plaintiffs in their complaint against defendant, Nationwide Life Insurance Company, is hereby entered.

  
Joseph A. Greenaway, Jr., U.S.D.J.

*(Sitting by designation)*  
U.S.C.J.